

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK**

PV,
Plaintiff,

v.

KRISTI NOEM, in her official capacity
as Secretary of Homeland Security;
U.S. DEPARTMENT OF HOMELAND
SECURITY; and
TODD LYONS, in his official capacity
as Acting Director of U.S. Immigration
and Customs Enforcement,
Defendants.

Case No. 1:25-cv-00344

**DECLARATION OF PAUL O'DWYER IN SUPPORT OF MOTION FOR EXPEDITED
HEARING**

PAUL O'DWYER declares as follows under penalty of perjury of the laws of the United
Stated:

1. I am the attorney for Plaintiff in the above matter.¹
2. I submit this declaration in support of Plaintiff's motion for an expedited hearing of Plaintiff's Emergency Motion for Temporary Restraining Order filed on April 22, 2025 (ECF 6). All of the documents in support of this Motion have been filed (see ECF 6-1 to 6-6), except, inexplicably, Plaintiffs' Memorandum of Law in Support of the Motion. That Memorandum is being filed with this Motion, and was previously served on counsel for Defendants, along with the Complaint and the documents at ECF 6, on Monday, April 21, 2025.

¹ An earlier declaration incorrectly stated that I am counsel pro hac vice (see ECF 6-1). This was an unfortunate typo; I am counsel of record for Plaintiff and there is no pro hac vice attorney.

3. This case concerns Defendants' abrupt and unjustified termination on April 8, 2025, of Plaintiff's F-1 student immigration status. (see ECF 6-3) This termination has placed him at risk of removal proceedings, detention and deportation. It has also resulted in the loss of Plaintiff's student visa-based employment authorization, which involves work around improvements to implants and prosthetic devices to prevent infection, done in conjunction with Walter Reed. Hospital, for veterans. If reinstated, he is eligible to continue working on this project with employment authorization for a further two and a half years, to August 2027.
4. Plaintiff is seeking restoration of his status and a Temporary Restraining Order reinstating his status and enjoining Defendants from arresting or detaining him or transferring him outside of the District while the case is being decided.
5. In his declaration in support of the Order to Show Cause (ECF 6-2), Plaintiff states that he has been in F-1 status in the US since 2016, and that because his status has been terminated, he is fearful of leaving his apartment because of the risk of being detained by ICE. He also explains that he is without means to support himself other than from his job, explains the nature of his job and its importance, and states that his employer will not be able to keep the position open for him for any extended length of time.
6. Without an expedited hearing, Plaintiff risks losing his job, and, as stated, risks unnecessary detention by ICE, and relocation to a detention center in Texas or Louisiana, as is currently ICE's practice. For these reasons, we respectfully request that the Court grant an expedited hearing.

7. I am also requesting that counsel be allowed appear telephonically (or through any other virtual means) for a hearing. My office is in New York, and it may be impractical to travel to Buffalo to attend an in-person hearing. If, however, witnesses will be testifying, I will appear in person.
8. I have discussed this matter with counsel for Defendants, and he does not consent to the motion for an expedited hearing, but does not oppose the motion for counsel to appear telephonically.

Dated: New York, New York
April 23, 2025

/s/ Paul O'Dwyer
Paul O'Dwyer
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